

AMENDED IN ASSEMBLY JANUARY 4, 2006
AMENDED IN ASSEMBLY SEPTEMBER 8, 2005
CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 714

Introduced by Assembly Member Ridley-Thomas

February 17, 2005

An act to add Section 9954 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 714, as amended, Ridley-Thomas. Motor vehicles: key information access.

(1) Existing law imposes various requirements upon manufacturers of ~~a~~ motor vehicles sold or leased in this state with regard to disclosing information and providing equipment. A violation of the laws regulating motor vehicles is a crime.

This bill would require ~~every~~ *a* motor vehicle manufacturer of a motor vehicle sold or leased in this state, on or after January 1, 2007, ~~with~~ *2007, with* a model-year of 2007 or later, to provide a means whereby the registered owner of that motor vehicle can access information ~~sufficient, and only that information, that is necessary~~ to permit the reproduction of a key ~~to operate the owner's or other functionally similar device, or the performance of any necessary service, that will allow the registered vehicle's owner to enter, start, and operate his or her vehicle. A manufacturer would be required to make such information available 24 hours each day and 7 days each week.~~

Since *a* violation of the bill's requirements would be a crime, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature hereby finds and declares all of
2 the following:

3 (a) There are over 28 million registered motor vehicles in
4 California, and those vehicles are relied upon heavily by
5 California residents to conduct everyday activities.

6 (b) A key *or functionally similar device* is a fundamental and
7 critical component of a motor vehicle, without which a person
8 cannot perform the basic functions of gaining entry to a motor
9 vehicle or starting its engine. ~~However, as keys or devices having~~
10 ~~the same form or function of a key become more complex,~~
11 ~~consumers are finding it more and more difficult to replace~~
12 ~~stolen, misplaced, lost, or broken keys. engine.~~

13 (c) The ability to replace a key, *or functionally similar device*,
14 to a motor vehicle in a timely, convenient, reliable, and
15 affordable manner is not only of general benefit to automotive
16 consumers, but it is also essential to the safety and well-being of
17 those consumers.

18 (d) ~~Manufacturers have limited the access to information~~
19 ~~necessary to make a replacement key. As a result, although~~
20 ~~vehicle owners are entitled to choose among competitors for the~~
21 ~~timely, convenient, reliable, and affordable replacement of a~~
22 ~~motor vehicle key made great strides in improving vehicle~~
23 ~~security to enhance motorists' safety and deter theft. However,~~
24 ~~the increasingly complex systems being devised have made it~~
25 ~~more difficult for motorists who lock themselves out of their~~
26 ~~vehicles or lose their keys to regain access to, and the use of,~~
27 ~~their vehicles in a timely manner. Limited access to information,~~
28 ~~including key, transponder, and immobilizer codes, and related~~
29 ~~information, has caused inconvenience, delay, extra cost, and~~

1 *risk to many vehicle owners. Without access to necessary*
 2 *information, many owners have had no choice but to obtain*
 3 *service and purchase replacement keys from members of the*
 4 *manufacturer's authorized dealer network, ~~which network is~~*
 5 *rather than from a service provider of the motorist's choice.*
 6 *Dealer networks are generally only available during regular*
 7 *business hours. ~~Moreover, to obtain a replacement key for a~~*
 8 *motor vehicle from a dealer, some motor vehicles must be towed*
 9 *to the dealer's facility. A motor vehicle can sustain damage as a*
 10 *result of towing under circumstances where the motor vehicle's*
 11 *key is unavailable, resulting in additional cost to the consumer,*
 12 *and motorists may have no choice but to have the vehicle towed*
 13 *to the dealer rather than serviced on site.*

14 (e) Consumers' current limited access to necessary
 15 information causes not only significant inconvenience and higher
 16 costs to them, but threatens their safety and well-being,
 17 especially under circumstances where a motorist is stranded
 18 alone after business hours or in a remote location.

19 (f) A registered owner of a motor vehicle has the fundamental
 20 right to both of the following:

21 (1) To access the information necessary to ~~make a replacement~~
 22 ~~key for gain entry to and operate~~ his or her motor vehicle in a
 23 timely, convenient, reliable, and affordable manner that does not
 24 compromise ~~their~~ *his or her* safety or the security of the vehicle.

25 (2) To select the qualified service provider of his or her choice
 26 ~~to make a replacement key for his or her motor vehicle.~~ *to assist*
 27 *in regaining access to, and use of, his or her motor vehicle.*

28 (g) It is the intent of the Legislature, in enacting this act, to
 29 give motorists better access to necessary information, while at
 30 the same time protecting the security of that information. It is
 31 critical to protect consumers from both automobile theft and from
 32 the risks that arise from limited access to information necessary
 33 to allow them to expeditiously regain entrance to, *and use of,*
 34 their vehicles, and this act is intended to provide the appropriate
 35 balance for these two important concerns.

36 SEC. 2. Section 9954 is added to the Vehicle Code, to read:

37 9954. (a) ~~On and after January 1, 2007, every~~ *A* motor
 38 vehicle manufacturer of a motor vehicle sold or leased in this
 39 state shall provide a means whereby the registered owner of that
 40 motor vehicle can access ~~information sufficient~~ *information, and*

1 *only that information, that is necessary to permit the*
2 *reproduction of a key to operate the registered owner's or other*
3 *functionally similar device or the performance of any necessary*
4 *service, that will allow the registered vehicle's owner to enter,*
5 *start, and operate his or her vehicle. The means to access this*
6 *information shall allow access to this information 24 hours each*
7 *day and seven days each week.*

8 (b) Subdivision (a) shall apply only to vehicles sold or leased
9 in this state on or after January 1, 2007, with a model-year of
10 2007 or later.

11 SEC. 3. No reimbursement is required by this act pursuant to
12 Section 6 of Article XIII B of the California Constitution because
13 the only costs that may be incurred by a local agency or school
14 district will be incurred because this act creates a new crime or
15 infraction, eliminates a crime or infraction, or changes the
16 penalty for a crime or infraction, within the meaning of Section
17 17556 of the Government Code, or changes the definition of a
18 crime within the meaning of Section 6 of Article XIII B of the
19 California Constitution.